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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/616,714	07/14/2000	Mohan Ananda	81045.944	5954

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EXAMINER

GART, MATTHEW S

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/616,714

Applicant(s)

ANANDA, MOHAN

Examiner

Matthew s Gart

Art Unit

3625

NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-11 and 14-38 is/are pending in the application.
- 4a) Of the above claim(s) 22-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-11, 14-21 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 3625

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 5, 2004 has been entered.

Claims 1-4, 7-11 and 14-38 remain pending in this application. Claims 5, 6, 12 and 13 were previously canceled. Claims 22-37 have been withdrawn from consideration without prejudice. The Examiner acknowledges the applicants right to present claims 22-37 in a divisional application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 7-11, 14-21 and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Hennig (U.S. Patent 6,587,827 B1).

Art Unit: 3625

Referring to claim 1. Hennig discloses a method for providing secure electronic commerce transactions with multiple merchants comprising:

- Establishing a secure communication link between at least one client computer system and a vendor computer system (column 3, lines 30-46: A client computer **10** is connected to a network server **12** via the network **8**, and the server **12** also communicates with a plurality of supplier computers **14** and a supplier hub **15** through the network **8**.");
- Transmitting transaction information between said client computer system and said vendor computer systems enabling a user at said client computer system to select and purchase, via said vendor computer system, items listed in a merchant computer system by a plurality of merchants without said user having direct access to said merchant computer system (Figure 4);
- Modifying responses from said merchant computer to said client computer system at said vendor computer system thereby controlling information exchange between said merchant computer system and said client computer system through said vendor computer (column 6, line 6 to column 7, line 7 and column 3, line 47 to column 4, line 3: "In other words, the hub blocks certain sensitive and/or proprietary information from being accessed by the supplying entities. Although the extent of the filtering of information may vary, it is preferred that the supplying entities not have access to such information such as the identity and location of customers, pricing information or the installed base of any products.").

Art Unit: 3625

Referring to claim 2. Hennig further discloses a method wherein said transmitting step further comprises:

- Generating a purchase order for said items after said user's selection of at least one if said items for purchase from said merchant computer system via said vendor computer system (abstract).

Referring to claim 3. Hennig further discloses a method comprising:

- Obtaining payment from said user (Table 1: "26 Payment Terms"); and
- Transmitting payment to at least one of said plurality of merchants on behalf of said user (Table 1: "26 Payment Terms").

Referring to claim 4. Hennig further discloses a method wherein said payment is obtained by an operator of said vendor computer system (Figure 4 and Table 1).

Referring to claim 7. Hennig further discloses a method wherein said step of transmitting transaction information further comprises:

- Displaying one or more icons corresponding to said plurality of merchants at said client computer for user selection (column 3, lines 30-46: Customers can order various products, which can be goods and/or services, that are marketed by the company that is using the system, by communicating with the client to order the products. Customer orders can be made by telephone, in person, via the internet or by other means, the only requirement being that it has to be entered in the system at the client.");

Art Unit: 3625

- Providing said items listed in said merchant computer system to said user at said client computer system via said vendor computer system, upon said user selection of at least one of said one or more icons (fig. 7 through fig. 10e);

The Examiner notes, the "Providing" step of claim 7 is a conditional limitation because it is only dependent upon said user making a selection. If the user were not to make the selection, the "Providing" step would not occur. Therefore this aspect of the claim is given little patentable weight.

Furthermore, the step of displaying icons is equivalent to the displaying of any data. The form of the data (i.e., icon, link, picture, text) is not functionally involved in the steps recited. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability.

Referring to claim 8. Claim 8 is rejected under the same rationale as set forth above in claim 1.

Referring to claim 9. Claim 9 is rejected under the same rationale as set forth above in claim 2.

Referring to claim 10. Hennig further discloses a method wherein a vendor of said vendor computer system forwards payments to said one or more merchants for the supplied items on behalf of said user (Table 1: "26 Payment Terms").

Referring to claim 11. Hennig further discloses a method wherein said user makes payment to said vendor for said supplied items (Table 1: "26 Payment Terms").

Referring to claim 14. Claim 14 is rejected under the same rationale as set forth above in claim 7.

Art Unit: 3625

Referring to claim 15. Hennig further discloses a method wherein said step of modifying responses occurs automatically (column 3, line 47 to column 4, line 3).

Referring to claim 16. Claim 16 is rejected under the same rationale as set forth above in claim 15.

Referring to claim 17. Hennig discloses a vendor computer system having computer readable program code embodied therein for implementing a vendor server to enable secure electronic commerce between a user at a client computer system and one or more merchant servers, said program code configured to perform at least the steps of:

- Establishing a secure communication link between a client computer system and a vendor server (column 3, lines 30-46); and
- Obtaining merchant content for items listed for sale from a merchant server (column 3, lines 30-46).
- Controlling transaction between said client computer system and said merchant server, said controller comprising modifying links in said merchant content to redirect said links to said vendor server (column 3, line 47 to column 4, line 3); and
- Transmitting said merchant content and modified links to said client computer for presentation to said user (column 6, line 6 to column 7, line 7 and column 3, line 47 to column 4, line 3).

Referring to claim 18. Hennig further discloses a vendor computer system wherein said step of obtaining said merchant content comprises:

Art Unit: 3625

- Receiving a user request from said client computer system (Figure 3 and Figure 4);
- Transmitting said user request to said merchant server (Figure 3 and Figure 4); and
- Receiving from said merchant server a response comprising said merchant content (Figure 3 and Figure 4).

Referring to claim 19. Hennig further discloses a vendor computer system wherein said step of receiving said user request comprises identifying said merchant server from a plurality of possible merchant servers (column 3, lines 30-46).

Referring to claim 20. Hennig further disclose a vendor computer system wherein said user request is an order request, and said step of transmitting said user request to said merchant server comprises inserting user order information into said order request (Table 1).

Referring to claim 21. Claim 21 is rejected under the same rationale as set forth above in claim 1.

Referring to claim 38. Claim 38 is rejected under the same rationale as set forth above in claim 1.

Response to Arguments

Applicant's arguments with respect to claims 1-4, 7-11, 14-21 and 38 have been considered but are moot in view of the new grounds for rejection.

Art Unit: 3625

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Esposito, U.S. Patent No. 6,587,838, July 1, 2003, discloses a method and system for conducting real time electronic commerce.


Any inquiry concerning this communication should be directed to Matthew Gart whose telephone number is 703-305-5355. This examiner can normally be reached Monday-Friday, 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MSG

June 21, 2004


Jeffrey A. Smith
Primary Examiner